



**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant  
application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

|                        |                   |
|------------------------|-------------------|
| Application Number     | 09/717,095        |
| Filing Date            | November 22, 2000 |
| Examiner Name          | H. Robinson       |
| First Named Inventor   | Aaron I. Vinik    |
| Group Art Unit         | 1653              |
| Attorney Docket Number | 005126.00001      |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

|      |  |
|------|--|
| 1.   | Submission required under 37 C.F.R. § 1.114  |
| a.   | <input type="checkbox"/> Previously submitted  |
| i.   | <input type="checkbox"/> Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____<br>(Any unentered amendment(s) referred to above will be entered).  |
| ii.  | <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____   |
| iii. | <input type="checkbox"/> Other _____   |
| b.   | Enclosed   |
| i.   | <input checked="" type="checkbox"/> Amendment/Reply  |
| ii.  | <input type="checkbox"/> Affidavit(s)/Declaration(s)   |
| iii. | <input type="checkbox"/> Information Disclosure Statement (IDS)  |
| iv.  | <input type="checkbox"/> Other _____   |
| 2.   | Miscellaneous  |
| a.   | <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required) |
| b.   | <input type="checkbox"/> Other _____   |
| 3.   | Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.   |
| a.   | <input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-0733   |
| i.   | <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e)   |
| ii.  | <input checked="" type="checkbox"/> Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)  |
| iii. | <input type="checkbox"/> Other _____   |
| b.   | <input type="checkbox"/> Check in the amount of \$ _____ enclosed  |
| c.   | <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)   |

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                    |                |                                   |                  |
|--------------------|----------------|-----------------------------------|------------------|
| Name (Print /Type) | Sarah A. Kagan | Registration No. (Attorney/Agent) | 32,141           |
| Signature          |                | Date                              | October 30, 2002 |

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

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| Name (Print /Type) |  |
| Signature          |  |
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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

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|   |   |                                 |
|---|---|---------------------------------|
| In re Application of:                     | ) | Group Art Unit: 1653            |
|   | ) |                                 |
| VINIK et al.                              | ) | Examiner: H. Robinson           |
|   | ) |                                 |
| Application Serial No.: 09/717,095        | ) |                                 |
|   | ) |                                 |
| Filed: November 22, 2000                  | ) | Attorney Docket No. 05126.00001 |
|   | ) |                                 |
| For: INGAP PROTEIN INVOLVED IN PANCREATIC | ) |                                 |
| ISLET NEOGENESIS                          | ) |                                 |

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**AMENDMENT**

Assistant Director of Patents  
Washington, D.C. 20231

Sir:

In response to the Final Office Action mailed May 21, 2002, Applicants request reconsideration of the patentability of claims 1-24. A request for continued prosecution is filed herewith. Applicants request a personal interview with the examiner and supervisor regarding this application. A request for a personal interview was made after the final rejection but it was not granted. Applicants have requested continued prosecution in order to obtain an interview with the examiner. No fee is believed due to make this amendment filed timely. If any fees are due please charge our Deposit Account No. 19-0733.

**Remarks**

**The Rejection of Claims 1-24 Under 35 U.S.C. § 112, First Paragraph**

Claims 1-24 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse.

Claims 1-24 are directed in general to nucleic acid molecules which comprise all or part of a gene termed INGAP. The rejection is based on the assertion that "the specification does not clearly set forth how